

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. 5:14-CV-599-BO

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
VARIOUS AMOUNTS OF U.S. CURRENCY )  
TOTALING \$472,479.00 SEIZED FROM )  
THE FOLLOWING LOCATIONS WITHIN )  
BIG BOYS, INC., KENLY, )  
NORTH CAROLINA: (1) \$435,524.00 IN )  
THE SAFE, (2) \$8,637.00 IN THE CASH )  
REGISTER(S), (3) \$5,905.00 FOUND IN )  
THE OFFICE, (4) \$5,582.00 FOUND IN )  
CASH BOX FOR VGM, (5) \$6,497.00 )  
FOUND IN CIGAR BOX IN BACK OFFICE, )  
(6) \$2,274.00 FOUND IN LOAN DRAWER, )  
AND (7) \$716.00 FOUND INSIDE THE )  
BUSINESS, )  
 )  
Defendants. )

CONSENT ORDER

By signing below, the undersigned parties have consented to the entry of this Order and have informed the Court the following:

1. They have settled the litigation in this matter.
2. The parties' settlement is neither a concession by the United States that the defendant currency is not subject to forfeiture nor an admission of wrongdoing by the Claimants. Rather, the parties' settlement is merely a compromise to avoid the delay,

uncertainty, inconvenience, and expense of protracted litigation of the Government's claims relating to forfeiture of the defendant currency.

It is, therefore,

ORDERED that Claimants shall forfeit to the United States of America \$18,074.00 of the subject currency seized, to be disposed of by the United States Department of Justice according to law;

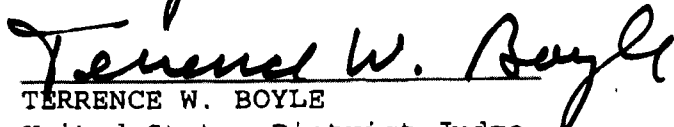
ORDERED that the United States shall return to the Claimants \$454,405.00 of the subject currency seized, less any debt owed to the United States, any agency of the United States, or any other debt in which the United States is authorized to collect. Payment to be made payable to Claimants via electronic funds transfer by the U.S. Marshal's Service according to the information provided by counsel for Claimants on the executed UFMS Vendor Request Form;

ORDERED that each party shall bear its own attorneys' fees, costs and expenses in this litigation;

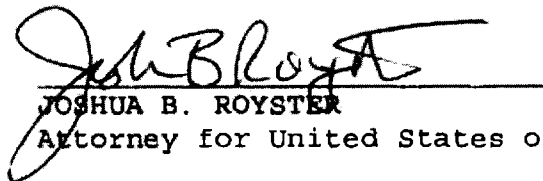
ORDERED that Claimants' counterclaim is hereby DISMISSED with prejudice;


Upon the entry of this order, the Clerk of Court is DIRECTED  
to close this case.


SO ORDERED this 6 day of July, 2015.

  
TERRENCE W. BOYLE  
United States District Judge

Consented to by:

  
JOSHUA B. ROYSTER  
Attorney for United States of America

  
R. DANIEL BOYCE  
Attorney for Claimants Big Boy's, Inc.  
and Walter Lee Powell, Sr.

  
THOMAS J. LUDLAM  
Attorney for Claimants Big Boy's Inc.  
and Walter Lee Powell, Sr.